

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: August 25, 2008

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Agency on Aging
 2. Juvenile Detention Commission
 3. Office on Youth Advisory Board
 4. Towing Advisory Board
 5. Personnel
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Old Blacksburg Middle School
 2. Prices Fork Elementary School Site
 3. Boundary Adjustment – Town of Blacksburg
 4. Boundary Adjustment – Town of Christiansburg

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Norfolk Southern Intermodal Facility

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on August 10, 2008 and August 17, 2008:

1. Ordinance – Cold Mountain Subdivision -Vacation and relocation of Existing Utility Easements and Lot Lines

An Ordinance to vacate and relocate a portion of an existing utility easement and a portion of the lot line for Lot 3 and Lot 7, Tax Parcels 89-(A)-12A & 12C in Cold Mountain Subdivision, Phase II, Cold Mountain Road, Riner Magisterial District, Montgomery County, Virginia”. See TAB A for a copy of the proposed ordinance.

2. Ordinance – Rolling Hills Subdivision - Vacation of a Portion of an Unimproved Portion of Lupine Lane, Vacation of Lots, and Drainage Easements

An Ordinance vacating a portion of an unimproved portion of Lupine Lane, on a portion of an unimproved portion of an unnamed right of way, and vacate Lots 10 thru 20 and Lots 28 thru 37, and vacate certain public utility and public drainage easements all located in Section IV of the Rolling Hills Subdivision recorded in Plat Book 8, Page 23 in the Montgomery County Circuit Court Clerk’s Office. See TAB B for a copy of the proposed ordinance.

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on July 30, 2008 and August 6, 2008:

3. Special Use Permit – Sandra Gail Jordan

A request by Sandra Gail Jordan, (Agent: Cellere for CST) for a Special Use Permit on approximately 29.5 acre tract(s) in an Agriculture (A-1) zoning district to allow a 199' telecommunication tower. The property is located east of Alleghany Spring Road, accessed by a private driveway located at 477 Alleghany Spring Road, and is identified as Tax Parcel No(s). 083- A 27D, 27 (Acct No. 026123), in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. See TAB C.

4. Addition to the Agricultural & Forestal District 2 (AFD-2) – Gordon and Nancy Johnson

A request by Gordon and Nancy Johnson to add approximately 84.34 acres to existing Agricultural & Forestal District 2. The property is located on Catawba Road (3400 block) and is identified as Tax Parcel No. 20-A-6 (Acct No. 009762) in the Mt. Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan. See TAB D.

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. NEW BUSINESS

**A. SUBJECT: STATE BUDGET CUTS
METHOD OF REIMBURSEMENT**

**R-FY-09-
STATE BUDGET CUTS
METHOD OF REIMBURSEMENT**

WHEREAS, The 2008 Appropriations Act requires the reduction in state aid to local governments in both FY 2009 and FY 2010; and

WHEREAS, The Act also provides three methods from which a locality can choose to carry out the required reduction which include:

1. Take the reduction from one or more programs on a list provided by the Department of Planning and Budget,
2. Make a reimbursement payment directly to the state for the total locality reduction,
3. Elect a combination of reductions and reimbursement payments,

WHEREAS, The Department of Planning and Budget identified Montgomery County's reduction totaling \$364,508.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that Montgomery County elects to use the reimbursement payment as the method to address the required state mandated funding reduction.

JUSTIFICATION:

At the Board's August 11, 2008 meeting, the Budget Manager provided information regarding the reduction in state aid for Montgomery County. It was staff's recommendation to elect to use the reimbursement payment method.

B. SUBJECT:

**AFFIRMATION RESOLUTION TO
PICK UP THE EMPLOYEE'S
CONTRIBUTION TO VRS FOR
MONTGOMERY COUNTY**

R-FY-09-

**AFFIRMATION OF AUTHORIZATION TO
PICK UP THE EMPLOYEE'S CONTRIBUTION TO
VRS FOR MONTGOMERY COUNTY, 55160
UNDER § 414(h) OF THE INTERNAL REVENUE CODE**

WHEREAS, Montgomery County provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and

WHEREAS, The Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick-up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009; and

WHEREAS, In order to avail itself of the protection given under Notice 2006-43, the Montgomery County Board of Supervisors desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED, That the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution; and

BE IT FURTHER RESOLVED, That effective the first pay day on or after August 25, 2008, Montgomery County shall pick-up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and

BE IT FURTHER RESOLVED, That such contributions, although designated as member contributions, are to be made by Montgomery County in lieu of member contributions; and

BE IT FURTHER RESOLVED, That pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, That member contributions made by Montgomery County under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and

BE IT FURTHER RESOLVED, That nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick-up contributions made by Montgomery County directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, That notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of Montgomery County shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the Montgomery County Board of Supervisors on behalf of such employee pursuant to the foregoing resolutions.

Adopted in Montgomery County, Virginia this ____ day of _____, 2008.

JUSTIFICATION:

This resolution is required by the Virginia Retirement System in response to IRS Revenue Ruling 2006-43, which gives governmental employers until January 1, 2009 to demonstrate “formal authorization” of their pick-up plans. A pick-up plan allows the Virginia Retirement System member contributions of 5% to be treated on a pre-tax basis. Montgomery County participates in this pick-up plan and must enact this formal authorization.

XII. COUNTY ATTORNEY’S REPORT

XIII. COUNTY ADMINISTRATOR’S REPORT

XIV. BOARD MEMBERS’ REPORT

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Marrs
4. Supervisor Brown
5. Supervisor Biggs
6. Supervisor Politis
7. Supervisor Perkins

XV. OTHER BUSINESS

XVI. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting
Monday, September 8, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Special Joint Meeting
with Montgomery County Public School Board
Eastern Montgomery High School (TBD)
Tuesday, September 9, 2008
6:00 p.m.

Adjourned Meeting
Monday, September 22, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Tuesday, October 14, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda